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EXAMINER

KAZIMI, HANI M

ART UNIT

PAPER NUMBER

3624

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 30

Application Number: 09/006,839
Filing Date: 01/12/1998
Appellant(s): Paul SIDIKMAN et al.

Tiep H. Nguyen
For Appellant

MAILED

JUL 29 2003

EXAMINER'S ANSWER

GROUP 3600

This is in response to Appellant's brief on appeal filed 4/14/2003.

Real Party in Interest

The Appellants' statement identifying the real party in interest contained in the brief is correct.

Related Appeals and Interferences

The Appellants' statement of the related appeals and interferences contained in the brief is correct.

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Status of Claims

The statement of the status of the claims contained in the brief is correct.

Status of Amendments After Final

The Appellant's statement of the status of amendments after final rejection contained in the brief is correct.

Summary of Invention

The summary of invention contained in the brief is correct.

Issues

The Appellant's statement of the issues in the brief is correct.

Grouping of Claims

The Appellants' statement of the grouping of the claims in the brief is correct.

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Claims Appealed

The copy of the appealed claims contained in the Appendix (pages 8-15) to the brief is correct.

Prior Art of Record

“Trade it Yourself Bank Machines Make a Debut Securities”, Los Angeles Times, October 6, 1994.

NEW PRIOR ART

No new prior art has been applied in this examiner's answer.

Grounds of Rejection

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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5. Claims 19-37 are rejected under 35 U.S.C. § 102(a) based upon a public use or sale of the invention as discussed in "Trade it Yourself Bank Machines Make a Debut Securities", Los Angeles Times, October 6, 1994.

Response to Argument

The Appellant raises various points in the argument's section of the appeal brief.

In the arguments, the Appellant argues in substance that:

The cited newswire article does not disclose Appellant's invention as claimed. There is no discussion in the cited newswire article of the actual method and detailed steps set forth in independent claim 19 of the present application. Appellant highlighted on pages 4-5 of the Appeal brief each and every claimed limitation as set forth in independent claim 19 that the cited newswire article does not expressly or inherently describe.

Further more, Appellant argues that "the cited newswire does not teach *automatically determining whether the user has established a link brokerage account ---*", and "*--- automatically prompting the user to select one information type from an information type group of holdings, stock quotes, symbol directory, and activity and orders*" as stated in claim 19.

Regarding claims 20-37, Appellant argues that the cited news wire does not teach the various limitations recited in these claims.

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In response to the above arguments;

As indicated in the previous office action mailed on August 12, 2002 (Paper No. 26) and in the present Examiner's answer, the newswire article clearly teaches the claimed subject matter.

The Examiner respectfully directs the Board's and Appellant's attention to the highlighted features of claim 19 on pages 4-5 of the brief. These limitations are in the alternative, conditional limitations are performed only if the user selects these functions. Both the claimed subject matter and the newswire article disclose that the ATM machine offers a user with a choice between obtaining information or trading, if the user only obtains information such as stock quotes, then none of the conditional trading functions are going to be performed, even though the article does mention the features of trading and buying and selling stocks using an ATM machine.

The newswire article clearly teaches all of the positive limitations as set forth in claims 19-37. In addition, the newswire article does mention some of the highlighted limitations claimed, even though these limitation are claimed under a conditional statement "if statements". For example, the first highlighted feature on page 4 of Appellant's brief states that "if the user selects the securities function of obtain information, automatically prompting the user to select one information type from an information type group of holdings, stock quotes, symbol directory, and activity and orders;". The article states that "The screen offers a choice between information or trading. --- Those who just want to check stock prices will pull up a picture of a typewriter keyboard. By touching the screen, they can type in the name of the company or its ticker symbol and get a real-time stock quote ---".

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In response to Appellant's argument that the cited newswire does not teach the step of "automatically determining whether the user has established a link brokerage account ---, and --- automatically prompting the user to select one information type from an information type group of holdings, stock quotes, symbol directory, and activity and orders" as stated in claim 19.

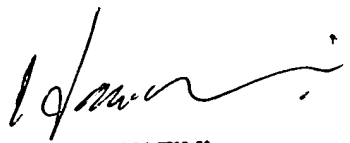
It is clear that these limitations are performed only if the user selects certain functions. Both of the steps that Appellant is arguing are performed under conditional statements. Claim 19, line 10, states that "if the user selects the securities function of obtain information, automatically prompting the user to select one information type from an information type group of holdings, stock quotes, symbol directory, and activity and orders", and line 15, states that "if the user selects one securities function from the securities function group of buy securities and sell securities, automatically determining whether the user has established a link brokerage account;.

With respect to the dependent claims 20-37, Appellant does not argue any specific features. However, the response to independent claim 19 also applies to these claims since all of these limitations fall under conditional statements.

For the above reasons, it is respectfully submitted that the rejections should be sustained.


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